

REMARKS

Claims 29, 35, 36, 38, 40-42, 46, 47, and 49 have been amended herein. Claims 29-53 are pending in the present application.

Office Action of January 24, 2006

Applicants have carefully reviewed and considered the Office Action of August 3, 2006. Applicants hereby request entry of this Response and further consideration of the present application in view of the following remarks.

In the Office Action, the Examiner withdrew the previously indicated allowability for claims 29-41 and indicated reconsideration of claim scope in view of references to Kosa (US Pat. No. 5,112,050), Casa (U.S. Pat. No. 5,613,679), Guttin (US Pat. No. 6,241,246), and Roberts (U.S. Pat. No. 5,772,510) as the reason for such withdrawal. The Office Action also objected the drawings under 37 CFR 1.83(a) for failing to show all claimed features, in particular, for failing to show a playslip, lottery ticket, or printer.

The Office Action required submission of a substitute specification in view of changes presented previously in the amendment of April 29, 2004. The Office Action further objected to the same amendment for introducing a new matter such as a pre-printed section listing a pre-printed play phrase. The Office Action stated that previously cited paragraph [0081] does not support the ticket that includes a pre-printed section for the play phrase; the Office Action required the matter be canceled.

The Office Action rejected claims 35-39 under 35 U.S.C. §112, first paragraph, as failing to comply with the written description. In particular, the Office Action stated the pre-printed section listing a pre-printed play phrase seemed a new matter and the timing of "pre-printed" is not taught in concert with player selection of play phrase.

The Office Action rejected claims 35-39 under 35 U.S.C. §112, second paragraph, as being indefinite, in particular, the Office Action stated it was unclear as to how the pre-printed section listing a pre-printed play phrase is pre-printed.

The Office Action rejected claims 29-30, 32-33, and 42-45 under 35 U.S.C. §102(b) as being anticipated by Koza (U.S. Pat. No. 5,112,050), rejected claims 29-53 under 35 U.S.C. §102(b) as being anticipated by Guttin (U.S. Pat. No. 6,241,246), rejected claims 34-37, 38-39, 40-41, and 46-50 under 35 U.S.C. §103(a) as being

unpatentable over Koza in view of Roberts (U.S. Pat. No. 5,772,510), rejected claims 31 under 35 U.S.C. §103(a) as being unpatentable over Koza in view of Casa (U.S. Pat. No. 5,613,679) or Guttin.

Objection to the Drawings

The Office Action stated that drawings fail to show every feature of the invention, in particular, the play slip, lottery ticket, and printer have not been shown.

Applicant submits that the printer is shown as element 133 in FIG. 1. Applicant also submits herewith FIGs. 3B, 3C, and 3D and states that FIGs. 3B, 3C, and 3D are fully supported by the specification as originally filed, and no new matter has been added.

Specification

The Office Action requires a substitute specification to be submitted. Enclosed is a substitute specification that incorporates the amendment submitted herewith as Attachment.

Amendment Objection

The amendment filed on 5/3/2004 was objected to for introducing new matter, in particular, the Office Action stated that claim 35 appears to introduce new matter when taken in conjunction with claim 29. Applicant respectfully traverses this objection.

However, in an effort to move forward prosecution of the present application, claim 35 has been amended to clarify the present invention further. Applicant submits that the ground for objection has been removed and respectfully requests the objection be withdrawn.

Rejection under 35 U.S.C. §112

Claims 35-39

The Office Action rejected claims 35-39 under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. The Office Action also rejected claims 35-39 under 35 U.S.C. §112, second paragraph, as being indefinite for

failing to disclose how a pre-printed section listing a pre-printed play phrase is pre-printed when an alphabetical play phrase is received from a user, specifically, it is unclear the timing between receiving a phrase from a user and pre-printing. Applicant respectfully traverses the rejections.

However, in an effort to move forward prosecution of the present application, claim 35 has been amended to clarify further the present invention. Applicant submits that the ground for rejection has been removed and respectfully requests that claims 35-39 be allowed.

Rejection under 35 U.S.C. §102(b)

The Office Action stated that claims 29-30, 32-33, and 42-45 are rejected under 35 U.S.C. §102(b) as anticipated by Koza. The Office Action also rejected claims 29-53 under 35 U.S.C. §102(b) as being anticipated by Guttin. Applicant traverses these rejections and requests reconsideration thereof.

Claim 29

The Office Action stated, among others, that Koza discloses receiving an alphabetical play phrase from a user (page 6, line 7). Applicant disagrees with the Examiner's interpretation. It is clear that Koza supports a player to select "a word from a collection of preselected words" (12:56-60). Koza discloses receiving from a user a word selected from a list of preselected words. Koza does not disclose a system receiving a player phrase from the user.

The Office Action also stated that Koza discloses a controller capable of generating a random character string. After reviewing passages cited (3:10-20, 5:26-28, 7:25-66, and 8:4-11) by the Examiner, Applicant does not discern the disclosure of such a controller. The cited passages seem to disclose how a player may win a game, which includes a word selected by the player from a set of preselected words matches the winning word drawn from the set (3:10-20), determination of winning value during or after the distribution of tickets (5:26-28), description of the preferred embodiment of one game that includes the number of games drawn per year, the prize structure, and the odds of winning (7:25-66), and the odds and cost of prize (8:4-11). Koza does not

disclose in the cited passages a controller capable of generating a random character string and assigning a prize value to an alphabetical play phrase.

The Office Action further stated that Guttin discloses a wager input device, and a controller capable of generating random character string. However, after reviewing the passages cited (6:36-49, for the wager input device and the controller), Applicant does not discern where in the cited passage such elements are disclosed. The cited passage seems to disclose a lottery ticket reader or a retail agent determining a) the prize and the bonus play and b) the validity of the ticket. The cited passage also discloses that an optional entertainment based on removing a scratch-off layer from preselected game words and a portion of the scratch-off layer from a game area and marking target words with the preselected game words. The player may also remove the scratch-off layer from another game area to determine if a bonus prize should be awarded. The cited passage does not disclose a wager input device or a controller capable of generating random character strings.

However, the Office Action stated that the wager input device is inherent to "pay to play." Applicant disagrees with the Examiner's assertion. The wager input device is not inherent to pay to play. Most of the lottery stations do not have a wager input device; most of the lottery stations are manned by a retail agent as demonstrated by the cited passage (col. 6, lines 36-49) in Guttin, where it states "the retail agent per se" can determine whether a prize should be awarded.

Guttin also fails to disclose a game input device capable of receiving an alphabetical play phrase from a user as claimed in claim 29.

On the other hand, claim 29 includes a game input unit for receiving an alphabetical play phrase from a user and a controller capable of generating a random character string, which are not disclosed by Koza or Guttin. However, in an effort to move forward the present application, claim 29 has been amended to distinguish further from Koza and Guttin. Applicant submits that, in addition for failing to disclose a game input unit for receiving an alphabetical play phrase from a user and a controller capable of generating a random character string, Koza or Guttin do not disclose at least receiving a random play phrase from a player.

Therefore, in view of the above amendment and reasons, Applicant submits that claim 29 is patentable over Koza and other cited references and an early indication of allowance thereof is respectfully solicited.

Claims 30-31 and 33-41

Claims 30-31 and 33-41 depend from claim 29 and further add elements to claim 29. Therefore, Applicant submits that claims 30-31 and 33-41 are patentable over the cited references for at least reasons stated above with respect to the patentability of claim 29, and the allowance thereof is requested.

Claim 32

The Office Action failed to specifically point out where in Koza the element of an alphabetical play phrase being manually input by the user of claim 32 is disclosed. However, it is specifically stated in Koza that “a player selects a word from a collection of preselected words” (12:57-59). The Office Action also recognized that a “phrase is selected by user from menu” (page 7, lines 12-13) in Guttin.

In view of the above, Applicant submits that Koza and Guttin, either individually or in combination, do not disclose or anticipate this element of claim 32 and the allowance thereof is respectfully solicited.

Claim 42

The Office Action stated that Koza discloses receiving an alphabetical play phrase from a user; however, after reviewing the cited passages (11:36-38 and 12:36-63), Applicant does not discern where such element is disclosed in Koza. The cited passages seem to disclose a keyboard allowing entry of values of game by a player (11:36-38) and a lottery game system using single multi-digit numbers or letter of alphabet. The system also allows a player to select a word from a collection of preselected words (12:36-63). The cited passage does not disclose a player entering an alphabetical play phrase.

The Office Action also stated the Koza discloses generating a random character string. After reviewing the cited passage (5:26-28, 6:29-32, and 12:36-13:2), Applicant

does not discern where such element is disclosed in Koza. The cited passages seem to disclose determination of winning value during or after the distribution of tickets (5:26-28), broadcasting winning numbers after ticket distribution and deciphering winning numbers (6:29-32), and a lottery game system using single multi-digit numbers or letter of alphabet, allowing a player to select a word from a collection of preselected words, and broadcasting different type of values (12:36-13:2). The cited passages does not disclose generating a random character string. Consequently, Koza also does not disclose correlating an alphabetical play phrase, a random character string, and a wager.

In the "Response to Arguments," the Examiner stated "Koza clearly teaches receiving a play phrase as a word from a test listing and where in instance that user selected word is also a phrase or sentence." Applicant disagrees with the Examiner and directs the Examiner's attention to Koza, column 12, lines 56-60, where it is stated that "a player selects a word from a collection of preselected words and wins if the player's selected word matches the winning word drawn from the set" (emphasis added). It is clear that a player SELECTS a word and NOT a phrase; further the player does not ENTER a random phrase.

Applicant also directs the Examiner's attention to the Examiner's own statement on page 9, lines 7-8, where the Examiner agreed that "Koza discloses selection of a word from a text listing."

In view of the above, Applicant submits that Koza does not disclose at least the element of a player entering an alphabetical play phrase and thus cannot anticipate claim 42 and allowance thereof is respectfully solicited.

Claims 43-49

Claims 43-49 depend from claim 42 and further add elements to claim 42. Therefore, Applicant submits that claims 43-49 are patentable over the cited references for at least reasons stated above with respect to the patentability of claim 42, and the allowance thereof is requested.

Claim 50

The Office Action stated that Guttin discloses a lottery ticket for a word game teaching a play phrase comprised of a plurality of words. However, the Office Action failed to point out and distinguish where in Guttin a play phrase comprised of a plurality of words is disclosed. It is readily apparent from FIGS. 2-5 that Guttin discloses a game with a preselected list of words (col. 3, lines 64-65). A word is different a phrase, specifically, a word is different from a phrase of a plurality of words.

Therefore, Applicant submits the cited references do not disclose, either individually or in combination, at least the element of a pre-printed section listing a pre-printed word-based play phrase comprised of a plurality of words of claim 50 and the allowance thereof is respectfully solicited.

Claims 51-53

Claims 51-53 depend from claim 50 and further add elements to claim 50. Therefore, Applicant submits that claims 51-53 are patentable over the cited references for at least reasons stated above with respect to the patentability of claim 50, and the allowance thereof is requested.

Rejection under 35 U.S.C. §103(a)

The Office Action stated that claims 34-37 and 40-41 are rejected under 35 U.S.C. §103(a) as being unpatentable over Koza in view of Roberts, claims 38-39 and 46-50 as being unpatentable over Koza in view of Roberts and Guttin, and claim 31 as being unpatentable over Koza in view of Casa or Guttin. Applicant traverses these rejections.

Claims 31, 34-38, and 40-41

Claims 31, 34-38, and 40-41 depend from claim 29 and further add elements to claim 29. Therefore, Applicant submits that claims 31, 34-38, and 40-41 are patentable over the cited references for at least reasons stated above with respect to the patentability of claim 29, and the allowance thereof is requested.

Claim 39

The Office Action stated that claim 39 is rejected under 35 U.S.C. §103(a), and that Guttin discloses altering payout as a bonus amount and it would also have been obvious to increase the payout to attract player. However, altering the payout through a bonus, or increasing the payout is different from a player changing the prize associated with each word.

To render amended claim 39 obvious, the prior art references when combined must teach or suggest all the claim limitations (MPEP §2143). Because the cited references do not disclose or suggest, either individually or in combination, at least the element of a player changing the prize associated with each word, the cited references cannot render amended claim 39 obvious. Therefore, Applicants submit claim 39 is patentable over the cited references and allowance thereof is requested.

Claims 46-49

Claims 46-49 depend from claim 42 and further add elements to claim 42. Therefore, Applicant submits that claims 46-49 are patentable over the cited references for at least reasons stated above with respect to the patentability of claim 42, and the allowance thereof is requested.

Claim 50

The Office Action stated that Guttin discloses a lottery ticket for a word game teaching a play phrase comprised of a plurality of words. However, the Office Action failed to point out distinguishably where in Guttin a play phrase comprised of a plurality of words is disclosed. It is readily apparent from FIGS. 2-5 that Guttin discloses a game with a preselected list of words (col. 3, lines 64-65). A word is different a phrase, specifically, a word is different from a phrase of a plurality of words.

To render amended claim 50 obvious, the prior art references when combined must teach or suggest all the claim limitations (MPEP §2143). Because the cited references do not disclose or suggest, either individually or in combination, at least the element of a pre-printed section listing a pre-printed word-based play phrase comprised of a plurality of words, the cited references cannot render amended claim

50 obvious. Therefore, Applicant submits claim 50 is patentable over the cited references and allowance thereof is requested.

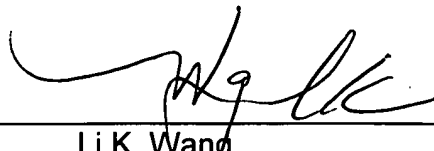
Conclusion

In view of the foregoing remarks, Applicants respectfully submit that claims 29-53, as amended, are in condition for allowance and entry of the present amendment and notification to that effect is earnestly requested. If necessary, the Examiner is invited to telephone Applicant's attorney (404-815-3383) to facilitate prosecution of this application.

No additional fees are believed due. However, the Commissioner is hereby authorized to charge any additional fees that may be required, including any necessary extensions of time, which are hereby requested to Deposit Account No. 03-0683.

Respectfully submitted,
A. K. Bozeman
By His Representatives,

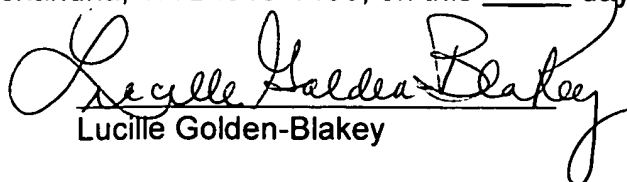
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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop Amendment, Commissioner of Patents, Alexandria, VA 22313-1450, on this 27th day of October, 2006.



Lucille Golden-Blakey